

CALIFORNIA COASTAL COMMISSION

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Filed:	04/02/03
180 th day:	09/29/03
Staff:	SAM-SC
Staff report prepared:	04/17/03
Hearing date:	05/6-9/03

COMBINED STAFF REPORTS: REGULAR CALENDAR

Application numbers**3-03-018, 3-03-019 and 3-03-026**

Applicants**J. Cardinal, J. & T. Gear and Robert Rosenthal**

Project locations129 15th St. (APN 006-182-015), 124 14th St. (APN 006-182-016), and 122 14th St. (APN 006-182-017), City of Pacific Grove Retreat area, Monterey County (Exhibits A, B, and C).

Project descriptions**3-03-018:** A two-story residential duplex with a two-car garage, one covered and one uncovered parking space. **3-03-019:** A two-story residential triplex with a one-car garage, one fully covered, two partially covered and one uncovered parking space. **3-03-026:** A two-story residential duplex with a two-car garage, one covered and one uncovered parking space.

Local approvalsCity of Pacific Grove: Architectural Review Board (ARB); final architectural approval on 11/12/02 (AA# 2602-99); 11/12/02 (AA# 2603-99, Variance application No. 01-1615 for floor area increase & reduction in covered parking approved 10/17/01), and 11/12/02 (AA #2604-99).

File documentsCCC Coastal Development Permit Application files 3-03-018, 3-03-019, and 3-03-026; and City of Pacific Grove certified Land Use Plan

Staff recommendation**Approval with Conditions**

Summary: These three projects were submitted to the Commission as separate projects, but are similar projects located on adjoining lots that were evaluated and processed as one project by the City of Pacific Grove. These projects, including one additional lot that is outside of the Coastal Commission's jurisdiction, were evaluated as a single project because they have identical coastal resource impact concerns. On the three lots that are within the Coastal Zone, the applicants propose to construct a 2,241 square foot, two-story duplex, a 3,492 square foot, two-story triplex, and a 2,690 square foot, two-story duplex on three lots totaling 13,500 square feet in the City of Pacific Grove's Methodist Retreat area (See Exhibits A, B and C).

The City approved the original project subject to seven conditions, finding it consistent with the Pacific



California Coastal Commission
May 6-9, 2003 Meeting in Monterey

Staff: S. Matraw Approved by:

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Grove General Plan and Land Use Plan. The City has a certified Land Use Plan (LUP), but the Implementation Plan has not yet been certified. Therefore, a coastal development permit for the project must be obtained from the Coastal Commission and the proposal is subject to the policies of Chapter 3 of the Coastal Act. The policies of the City's LUP can be looked to for guidance.

The primary concern of residents in the area is the project's potential impact to the community character of the Retreat through the project's massing, and overall unit density. The Retreat area of the city, a historic neighborhood and visitor destination in its own right, is comprised of many small, historic cottages built on very small lots. Members of the community have expressed concerns about the projects' size in relation to surrounding structures and feel that they will not fit in to the community (See Exhibit G). However, the project size and massing is similar in nature to the existing surrounding structures. Community character is a visual resource concern, and staff analysis determined that the proposed project is consistent with Coastal Act visual policies and with respect to community character policies in the LUP.

Members of the community are also concerned about the parking needs of residents and their visitors, and the loss of available roadside parking where driveways are proposed. Public comment letters state that parking is already limited in the area, and they fear a strain on the existing parking spaces. However, the City's Land Use Plan does not designate the area for parking, the lots are not currently used for public parking, and based on parking requirements outlined in the City's uncertified zoning ordinance, the project does provide adequate on-site parking for its residents.

Additionally, public comments have raised the issue of water supply in relation to the proposed density of this project and the City's limited supply. The City does face a limited water supply, as do all jurisdictions in this area, however the City approved a transfer of water from another building, which allows sufficient water for this project.

As conditioned to prepare a drainage plan to minimize runoff and assure that water quality will be maintained, and to adhere strictly to the requirement for water conserving devices, the project will adequately mitigate for impacts to water quality and water supply availability. The project will also be conditioned to be consistent with Coastal Act policies protecting archaeological resources. Therefore, as conditioned, Staff recommends approval.

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- A. Regional Location Map
- B. Project Vicinity Map
- C. Assessors Parcel Map
- D. Pacific Grove Archaeological Sensitivity Map
- E. Project Site Plans and Elevations
- F. Project Area Photos
- G. Public Comment

I. Staff Recommendations on CDP Applications

The staff recommends that the Commission, after public hearing, **approve** the coastal development permits for the proposed development subject to the standard and special conditions below. Approval of the permits requires three, separate votes by the Commission as follows:

MOTION. I move that the Commission approve Coastal Development Permit Number 3-03-018 pursuant to the staff recommendation.

Staff Recommendation of Approval. Staff recommends a **YES** vote. Passage of this motion will result in approval of the coastal development permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.



MOTION. I move that the Commission approve Coastal Development Permit Number 3-03-019 pursuant to the staff recommendation.

Staff Recommendation of Approval. Staff recommends a **YES** vote. Passage of this motion will result in approval of the coastal development permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

MOTION. I move that the Commission approve Coastal Development Permit Number 3-03-026 pursuant to the staff recommendation.

Staff Recommendation of Approval. Staff recommends a **YES** vote. Passage of this motion will result in approval of the coastal development permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Approve Coastal Development Permits. The Commission hereby approves the coastal development permits, 3-03-018, 3-03-019, and 3-03-026 on the ground that the developments, as conditioned, will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the coastal development permits complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended developments on the environment; or (2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse effects of the amended developments on the environment.

II. Conditions of Approval for 3-03-018, 3-03-019 and 3-03-026

A. Standard Conditions

- 1. Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.



4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

B. Special Conditions

1. **Drainage Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit a Drainage Plan to the Executive Director for review and approval. The Plan shall provide for the installation of non-invasive, drought-tolerant landscaping in vegetated areas, and an engineered filtration mechanism specifically designed to remove vehicular contaminants and other typical urban runoff pollutants¹ before discharge into the Monterey Bay. The Drainage Plan shall account for the following:

- (a) The drainage system shall be designed to filter and/or treat the volume of runoff produced from each and every storm event up to and including the 85th percentile 24-hour runoff event prior to its discharge to the Monterey Bay. The drainage system and its individual components (such as drop inlets and filtration mechanisms) shall be sized according to the specifications identified in the California Storm Water Best Management Practice Municipal Handbook (California Storm Water Management Task Force, March 1993);
- (b) All vehicular traffic and parking areas shall be swept and/or vacuumed at regular intervals and at least once prior to October 15th of each year. Any oily spots shall be cleaned with appropriate absorbent materials. All debris, trash and soiled absorbent materials shall be disposed of in a proper manner. If wet cleanup of any of these areas is absolutely necessary, all debris shall first be removed by sweeping and/or vacuuming, all storm drains inlets shall be sealed, and wash water pumped to a holding tank to be disposed of properly and/or into a sanitary sewer system.
- (c) All drainage system elements shall be permanently operated and maintained. At a minimum:
 - (1) All storm drain inlets, traps/separators, and/or filters shall be inspected to determine if they need to be cleaned out or repaired at the following minimum frequencies: (1) prior to October 15th each year; and (2) prior to April 15th each year. Clean out and repairs (if necessary) shall be done as part of these inspections. At a minimum, all traps/separators and/or filters must be cleaned prior to the onset of the storm season, no later than October 15th of each year; and,

¹ Typical urban runoff pollutants describes constituents commonly present in runoff associated with precipitation and irrigation. Typical runoff pollutants include, but are not limited to: paints, varnishes, and solvents; hydrocarbons and metals; non-hazardous solid wastes and yard wastes; sediment from construction activities (including silts, clays, slurries, concrete rinsates, etc.); ongoing sedimentation due to changes in land cover/land use; nutrients, pesticides, herbicides, and fertilizers (e.g., from landscape maintenance); hazardous substances and wastes; sewage, fecal coliforms, animal wastes, and pathogens; dissolved and particulate metals; and other sediments and floatables.



(2) Debris and other water pollutants removed from filter device(s) during clean-out shall be contained and disposed of in a proper manner; and

(3) All inspection, maintenance and clean-out activities shall be documented in an annual report submitted to the Executive Director no later than June 30th of each year.

- 2. Archaeological Mitigation.** Should archaeological resources be discovered at the project site during any phase of construction, the permittee shall stop work until a mitigation plan, prepared by a qualified professional archaeologist and using accepted scientific techniques, is completed and implemented. Prior to implementation, the mitigation plan shall be submitted for review and approval by the State Historical Preservation Office and by the Executive Director of the Commission. The plan shall provide for reasonable mitigation of the archaeological impacts resulting from the development of the site, and shall be fully implemented. A report verifying compliance with this condition shall be submitted to the Executive Director for review and approval, upon completion of the approved mitigation.

III. Recommended Findings and Declarations

The Commission finds and declares as follows:

A. Project Description

1. Project Location

The site of the proposed duplexes and triplex consists of three separate but adjoining 4,500 square foot lots located at 129 15th St. (APN 006-182-015), 122 14th St. (APN 006-182-017), and 124 14th St. (APN 006-182-016), in the “Retreat” section of the City of Pacific Grove (See Exhibits A, B and C). The parcels are zoned R-3-PGR, Multiple Family Residential Pacific Grove Retreat, although this zoning is not certified by the Commission.

The Pacific Grove Retreat neighborhood is a “special community” under Coastal Act Section 30253, and is characterized primarily by one and two-story dwellings. It is known for its high number of historic buildings and their unique architectural and visual character. The Land Use Plan describes the Retreat as being “particularly rich in historic buildings”, and the proposed projects lie within this historic section of the City.

The immediate area contains one and two-story residences, a church, and two three-story commercial buildings (See Exhibit F). One of these three-story buildings is located to the immediate south of the 124 14th Street parcel (Exhibit F, photos 1 and 6) just outside of the coastal zone boundary. This large, stuccoed structure is an example of a building that does not necessarily conform to community character, but establishes a transition area for these parcels between the commercial downtown area and the residential area that hugs the coastline.



The site is also located within an archaeologically sensitive area (see Exhibit D). Therefore, an archaeological survey was conducted for the subject parcel and a report prepared by Archaeologic Consulting (October 25, 1999). The report indicated that because the sites are covered with asphalt it was impossible to perform an adequate survey, and recommended another survey after the asphalt and base rock are removed. It also recommended that work should stop in that area until the field is evaluated by a professional archaeologist and mitigation measures formulated if archaeological material is found.

2. Project Description

The applicants propose to build a 2,421 square foot, two story duplex (3-03-018), a 2,690 square foot, two-story duplex (3-03-026), and a 3,492 square foot, two-story triplex (3-03-019) (Exhibit E) on three separate 4,500 square foot adjoining parcels that are currently paved lots. Each of the lots will have 2,649 square feet (59%) to 3,153 square feet (70%) coverage, including both building footprints and impermeable surface coverage.

Additionally, 1.20 acre-feet of water per year has been allotted by the City of Pacific Grove to supply these three projects and the additional lot located outside of the coastal zone. Water was made available to the City as a portion of a water transfer from a commercial building downtown. The Architectural Review Board granted final approval at the November 12, 2002 hearing.

B. Standard of Review

This portion of the City of Pacific Grove is within the coastal zone, but the City does not have a certified LCP. The City's Land Use Plan (LUP) was certified in 1991, but the zoning, or Implementation Plan (IP) portion of the LCP has not yet been certified. The City is currently working to complete the IP. Because the City does not yet have a certified LCP, the Coastal Commission must issue coastal development permits, with the standard of review being the Coastal Act, although the certified LUP may serve as an advisory document to the Commission.

C. Issue Analysis

1. Community Character

a. Applicable Visual Resources Policies

Section 30251 of the Coastal Act protects scenic and visual qualities of coastal areas as a resource of public importance and requires development to be visually compatible with the character of surrounding areas.

The City's certified Land Use Plan contains the following relevant policies:

LUP Policy 2.5.2 *...Coastal area scenic and visual qualities are to be protected as resources*



of public importance. Development is required to be sited to protect views, to minimize natural landform alteration, and to be visually compatible with the character of surrounding areas.

LUP Policy 2.5.5.5 *Landscape approval shall be required for any project affecting landforms and landscaping. A landscaping plan, which indicates locations and types of proposed plantings, shall be approved by the Architectural Review Board.*

b. Visual Resources Analysis

1. Description of Community Character

The proposed duplexes and triplex are located in a transition area of the Pacific Grove Retreat neighborhood (See Exhibits A, B and C). The Pacific Grove Retreat area is primarily characterized by small one and two-story residences, many of which have historic value, on very small lots that were originally meant for tents. The Retreat meets the definition of “special communities and neighborhoods” in Coastal Act Section 30253, which provides for their protection, because their unique characteristics renders them popular visitor destination points.

Land uses in this section of the Retreat area include residential, open space areas, and some commercial uses (See Exhibit F). Located directly across Central Avenue from lots A and B are two three-story commercial buildings. Surrounding the lots on all other sides are one and two-story residences and a single story commercial building.

The proposed project includes construction of two duplexes and one triplex and associated parking (See Exhibit E). The buildings have been staggered so that they appear to be smaller structures, and have been sited so that the largest portion of the building faces Central Ave. or one of the other buildings in this project rather than face an existing residence that is smaller. This avoids the appearance that the new structures are looming over any smaller, existing development, and also helps to break up the massing of the structures as viewed from the street. Additionally, the structures are similar in size to many of the surrounding buildings, including residences.

2. Visual Resources Impact Analysis

Coastal Act Section 30251 only allows development that is visually compatible with the character of surrounding areas. As designed, the mass and size of the buildings have been broken up to give the appearance of a smaller structure by setting back portions of the buildings. The City has carefully modified the appearance of the structures so that each of the buildings will have a different outer finish, so as not to appear like one large building rather than three smaller ones (See Exhibit E). This development has been modified at the local level to achieve consistency with community character of the neighborhood to help it blend in with the community character of some of the surrounding smaller-scale residences.

Additionally, the parcels are located in a transitional area between a primarily residential area of the Retreat and the busier commercial uses along Central Avenue and the downtown area. Because the proposed development is residential in nature, it will help create a residential use buffer between the



surrounding residences and the busier commercial areas along Central Avenue and the downtown area. Residential use of these parcels will blend with the surrounding community, and will have fewer impacts than a commercial use to community character and other resources such as traffic and parking. These projects are not expected to detract from the historic nature of the Retreat and the visitor experience of the area. Therefore, the project involves development of three structures that are consistent in size with surrounding structures and will not conflict with community character.

c. Visual Resources Conclusion

The LUP standards provide guidance with respect to consistency with Coastal Act Section 30251. The proposed residential use generally blends with the surrounding neighborhood, and the projects have been designed to reduce the impact of the mass and scale of the proposed structures.

Because the projects are consistent with Coastal Act Section 30251, which protects visual resources and requires development to be visually compatible with the neighborhood character, no mitigations are necessary to conform to Coastal Act Section 30251.

2. Parking/Public Access

a. Applicable Public Access Policies

Coastal Act Section 30252 gives guidance with respect to public access:

The location and amount of new development should maintain and enhance public access to the coast by ...4) providing adequate parking facilities or providing substitute means of serving the development with public transportation...

The City's certified Land Use Plan contains the following relevant policies:

LUP Policy 4.2.5.2 *New developments in the coastal zone shall include adequate off-street parking to minimize the disruption of significant coastal access routes.*

b. Public Access Resources Analysis and Conclusion

The project sites are located two blocks inland from Ocean View Boulevard, the street that runs along the coastline, and the recreation trail. Although it is conceivable that visitors very familiar with the area may chose to park in this area to access the coast, it is not signed nor designated for visitor parking, and the majority of visitors would likely park along Ocean View Boulevard in designated and more convenient parking places to access the coastline. The demand for parking in this area is from residents and their visitors, and from townspeople utilizing the commercial buildings in the vicinity.

The LUP requires adequate off-street parking to minimize disruption of public access routes. As proposed, the project includes 13 residential parking spaces for 7 units. Based on the City's uncertified zoning ordinance, the projects provide adequate parking to meet the needs of future residents and comply with LUP policy 4.2.5.2. Additionally, the projects are in compliance with Section 30252 of the Coastal Act, which requires developments to provide adequate parking. Thus, the project is in compliance with



LUP and Coastal Act policies intended to protect public access and recreational opportunities.

3. Water Supply

a. Applicable Water Supply Policies

The Coastal Act provides for protection of drinking water supplies. Section 30231 states that development shall not cause depletion of groundwater resources, and Section 30250 limits new development to existing developed areas able to accommodate it and where it will not have significant adverse effects on coastal resources. This section also provides for prevention of cumulative impacts to coastal resources such as drinking water.

The City's certified Land Use Plan contains the following relevant policy:

LUP Policy 4.1.3 *Permitting new development only when its water demand is consistent with water supply. Requiring low-water requirement/drought resistant landscaping; and Using reclaimed wastewater and captured runoff for irrigation where feasible. Native and/or drought resistant plants are to be planted in new development projects in order to conserve water.*

b. Water Resources Analysis and Conclusion

City Council's approval included an allocation of 1.20 acre-feet of water to the project, to be divided among all four lots, including the lot outside the coastal zone. Through the use of low-flow appliances such as toilets and washing machines, the expected water use for the site would be .84 acre-feet per year. This amount of water is sufficient to meet the needs of residents, and to provide for establishment of landscaping. Accordingly, the project can be found consistent with Section 30231 of the Coastal Act and the LUP's water supply policy.

3. Water Quality

a. Applicable Water Quality Policies

Section 30231 of the Coastal Act provides for protection of water quality by requiring maintenance and, where feasible, restoration of the biological productivity and quality of coastal waters. This is accomplished through requiring a drainage control plan to control runoff, and by maintaining natural vegetation buffer areas of non-invasive, drought-tolerant plantings.

b. Water Quality Analysis and Conclusion

Currently all three parcels are entirely covered with impervious surfaces, and stormwater is not given an opportunity to percolate through vegetation and soil rather than running off site. This project would result in impervious site coverage of 8,659 square feet, or roughly 59%-70% of each lot, which is less than the current coverage of 100% on each lot. Although the project will result in less coverage than currently exists, the amount of proposed coverage has the potential to adversely impact water quality through stormwater runoff. Additionally, the proximity of this site to the shoreline further necessitates provisions to protect water quality. As conditioned to require a drainage plan to filter and/or treat stormwater runoff,



the project is in conformance with Coastal Act Section 30231.

4. Archaeological Resources

a. Applicable Archaeological Resources Policies

Section 30244 of the Coastal Act states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Land Use Plan Section 2.4 also provides guidance on this topic as follows:

LUP Policy 2.4.5.1. *Prior to the issuance of any permit for development or the commencement of any project within the areas designated on Figure 3, the Archaeological Sensitivity Map, the City in cooperation with the State Historic Preservation Office and the Archaeological Regional Research Center, shall:*

- (a) Inspect the surface of the site and evaluate site records to determine the extent of the known resources.*
- (b) Require that all sites with potential resources likely to be disturbed by the proposed project be analyzed by a qualified archaeologist with local expertise.*
- (c) Require that a mitigation plan, adequate to protect the resource and prepared by a qualified archaeologist be submitted for review and, if approved, implemented as part of the project.*

b. Archaeological Resources Analysis and Conclusion

As the subject site is located within an archaeologically sensitive area (See Exhibit D), an archaeological survey was conducted for the subject parcels, and a report prepared by Archaeological Consulting (October 25, 1999). Because all of the parcels are entirely covered with asphalt, soil visibility was considered inadequate for the purposes of a survey. Background research showed that there are eleven sites recorded within one kilometer of the project parcels, but that none are recorded on the project parcels. The Archaeologic report recommended that another archaeologic survey be done after the existing pavement and base rock has been removed from the site.

Additionally, because of the possibility of unidentified cultural resources being found during construction, the project has been conditioned to prepare and implement an archaeological mitigation plan if archaeological resources are encountered. Therefore, as conditioned to require suspension of work to determine significance of the resources and development of a mitigation plan if significant archaeological materials are found, the proposed development is consistent with Section 30244 of the Coastal Act and approved LUP archaeological resource policies.



D. Local Coastal Programs

The Commission can take no action that would prejudice the options available to the City in preparing a Local Coastal Program that conforms to the provisions of Chapter 3 of the Coastal Act (Section 30604 of the Coastal Act). Exercising its option under Section 30500(a) of the Coastal Act, the City in 1979 requested the Coastal Commission to prepare its Local Coastal Program. However, the City rejected the draft LCP in 1981, and then began its own coastal planning effort. The City's LUP was certified on January 10, 1991.

The City of Pacific Grove does not have a certified Implementation Plan. Ultimately, the issue of community character will be an important issue for the Implementation Plan to address. In this case, the applicants are proposing two two-story duplexes and a two-story triplex that have been mitigated to prevent impacts to water quality and archaeological resources, the project does not prejudice the ability of the City of Pacific Grove to complete an LCP consistent with Chapter 3 of the Coastal Act, and is in conformity with Section 30604(a).

The City is currently formulating implementing ordinances. In the interim, the City has adopted an ordinance that requires that new projects conform to LUP policies. (Of course, the standard of review for coastal development permits, pending LCP completion, is conformance with the policies of the Coastal Act.)

Therefore, as conditioned, the proposed development is consistent with the policies contained in Chapter 3 of the Coastal Act and will not prejudice the ability of the City of Pacific Grove to prepare and implement a complete Local Coastal Program consistent with Coastal Act policies.

E. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding must be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment.

The environmental review of the project conducted by commission staff involved the evaluation of potential impacts to relevant coastal resource issues, including visual resources, parking/public access concerns, water supply and quality and archaeologically sensitive resources. This analysis is reflected in the findings that are incorporated into this CEQA finding. All public comments on this project have been addressed either in this staff report or by personal communication, and are included in Exhibit G.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. This staff report has discussed the proposal's relevant coastal resource issues, and has recommended appropriate mitigations to address adverse impacts to said resources and is incorporated in its entirety into this finding. Accordingly, the project is being approved subject to conditions which implement the mitigating



actions required of the Applicant by the Commission (see Special Conditions). As such, the Commission finds that only as modified and conditioned by this permit will the proposed project not have any significant adverse effects on the environment within the meaning of CEQA.

